

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAIANA AZPILCUETA, individually and on behalf of CAL-NEVA TRANSPORT & TOW, INC., a Nevada corporation,) 3:09-CV-00593-LRH-VPC

Plaintiffs,) ORDER

v.)

THE STATE OF NEVADA, ex. rel.)

TRANSPORTATION AUTHORITY, a)

division of the Department of Business and)

Industry, DEPARTMENT OF PUBLIC)

SAFETY, OFFICE OF THE ATTORNEY)

GENERAL, and CITY OF CARSON CITY, a)

municipality of the State of Nevada; STEVEN)

SCHUETTE, in both his professional and)

individual capacity; STEVE ALBERTSEN, in)

both his professional and individual capacity;)

CHARLES TOLOTTI, in both his professional)

and individual capacity; DEAN BUELL, in)

both his professional and individual capacity;)

JOHN MCGLAMERY, in both his)

professional and individual capacity;)

WILLIAM PROWSE, in both his professional)

and individual capacity; KEVIN MCCOY, in)

both his professional and individual capacity;)

The PROGRESSIVE CORPORATION dba)

PROGRESSIVE CASUALTY INSURANCE)

COMPANY, an Ohio corporation; GALE)

LUNDEEN, an individual; MARCOS BRITO,)

an individual; and DOE DEFENDANTS 1-50,)

Defendants.)

1 Before the court is Defendant Gale Lundeen's Application for Costs (#119¹), along with
2 Plaintiffs' opposition (#123). No reply was filed. The motion follows this court's order (#105)
3 granting Lundeen's motion for judgment on the pleadings and dismissing all claims against
4 Lundeen.

5 Although styled as an application for costs, Defendant's motion is actually a motion for
6 attorney's fees under 42 U.S.C. § 1988(b). That provision does not authorize an award of
7 attorney's fees in this case, however, as only common law causes of action for conspiracy and
8 intentional infliction of emotional distress were alleged against Defendant. *See id.* Moreover, even
9 if fees were recoverable, Defendant's perfunctory motion fails to comply with Local Rule 54-16.

10 IT IS THEREFORE ORDERED that Defendant Gale Lundeen's Application for Costs
11 (#119) is DENIED.

12 IT IS SO ORDERED.

13 DATED this 14th day of September, 2011.



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16 LARRY R. HICKS
17 UNITED STATES DISTRICT JUDGE
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25 ¹Refers to the court's docket entry number.
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